

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Carolyn A. Paden
)	
Dilip Nakhasi)	Art Unit: 3744
)	
Serial No.: 10/598,215)	Confirmation No. 1259
)	
Filed: August 21, 2006)	
)	
For:)	
Composition with health and)	
nutrition promoting)	
characteristics, containing)	
interestified lipids and)	
phytosterol, and related)	
methods)	

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. § 1.97, the Examiner's attention is directed to the documents listed on the attached forms, which documents may be material to the examination of this application. The Office is directed to co-pending parent application Serial No. 10/795,843, filed March 8, 2004.

No inference should be drawn that any disclosure is equivalent to the subject invention. Also, the citation of the

above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

The right is also reserved to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the present patent application.

- ☒ 1. This information disclosure statement is being filed within the following time period(s) set forth in 37 CFR § 1.97(b), and therefore no fee is believed to be due:
- ☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
 - ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
 - ☒ Before the mailing of first Office action on the merits; or
 - ☐ Before the mailing of first Office action after the filing of a request for continued examination under § 1.114.

☐ 2. As set forth in 37 CFR § 1.97(c), this information disclosure statement is being filed after the time period set forth in 37 CFR § 1.97(b) (see above) but before the mailing date of any of a final action under 37 CFR § 1.113, a notice of allowance under 37 CFR § 1.311 or an action that otherwise closes prosecution in the application. [Select either one of the statements OR the fee below, as appropriate]

☐ It is hereby stated and certified with respect to this information disclosure statement:

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

☐ Enclosed is the fee set forth in 37 CFR § 1.17(p) or in the event no fee is enclosed, this is a request and authorization to charge the appropriate fee to Deposit Account No. 50-1039.

☐ 3. As set forth in 37 CFR § 1.97(d) this information disclosure statement is being filed after the period specified in 37 CFR § 1.97(c) (see above) and on or before payment of the issue fee. It is hereby stated and certified with respect to this information disclosure statement:

- ☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Also enclosed is the fee set forth in 37 CFR § 1.17(p) or in the event no fee is enclosed, this is a request and authorization to charge the appropriate fee to Deposit Account No. 50-1039.

In summary, it is respectfully requested that this Information Disclosure Statement be considered and made of record, and that any fee required for consideration, if not authorized above, be charged to deposit account no. 50-1039.

Respectfully submitted,

Date: July 13, 2009

by: *Raymond M. Mehler*
/Raymond M. Mehler/

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